

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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KeySpan Energy Delivery New England))	
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D.T.E. 05-68

**MOTION OF
KEYSPAN ENERGY DELIVERY NEW ENGLAND FOR
PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

Now comes KeySpan Energy Delivery New England ("KeySpan") and hereby request that the Department of Telecommunications and Energy (the "Department") grant protection from public disclosure of certain confidential, competitively sensitive and proprietary information submitted in this proceeding in accordance with G.L. c. 25, § 5D.

I. BACKGROUND

On April 6, 2006, KeySpan filed its responses to record requests in this proceeding. Attachment 19 to the response to record request AG-5 discloses information that is confidential and proprietary. Accordingly, KeySpan hereby requests that Attachment RR AG-5 - 19 be protected from public disclosure. KeySpan has filed redacted copies deleting references to confidential and proprietary information for the public record. KeySpan has also filed confidential pages in a sealed envelope marked "Confidential."

II. LEGAL STANDARD

Pursuant to G.L. c. 25, § 5D, the Department is authorized to protect from public disclosure “trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings.” The Department has developed a three-part standard for assessing requests for protective treatment submitted pursuant to c. 25, § 5D. First, the information for which protection from disclosure is sought must constitute “trade secrets, [or] confidential, competitively sensitive or other proprietary information.” Second, the party seeking protection from disclosure must overcome the statutory presumption that the public is benefited by disclosure of that information by “proving” the need for non-disclosure. Finally, the Department will protect only so much of the information as is necessary to meet the established need. See, e.g., Western Massachusetts Electric Company, D.T.E. 99-56 (1999); Dispatch Communications of New England d/b/a Nextel Communications, Inc., D.P.U. 95-59-B/95-80/95-112/96-13, September 2, 1997 Procedural Order. Appropriate considerations with respect to the public interest issue include an assessment of the interests at stake, the likely harm that would result from public disclosure of information, and the public policy implications of such disclosure. See, e.g., Berkshire Gas Company, D.P.U. 93-187/188/189/190 (1994); Boston Gas Company, D.P.U. 92-259 (1993), Essex County Gas Company, D.P.U. 96-105 (1996).

III. BASIS FOR CONFIDENTIALITY

KeySpan seeks protection from public disclosure certain information contained in Attachment RR AG -5-19 because it contains negotiated and proprietary price information. Disclosure of this information would cause harm to both KeySpan and its LNG trucking supplier Transgas, Inc. Moreover, public disclosure of this information

would make it virtually impossible for KeySpan to negotiate similar, favorable terms forth the benefit of its customers in the future. KeySpan respectfully requests that this information remain confidential for a period of two years, and that KeySpan be given the opportunity to renew its request at that time.

IV. CONCLUSION

For each of the above reasons, disclosure on the public record of the proprietary and competitively sensitive information contained in Attachment RR AG-5 - 19 would be detrimental to the public interest in that it would cause economic harm to KeySpan.

WHEREFORE, KeySpan respectfully requests that the Department grant its Motion for Protective Treatment as stated herein.

Respectfully submitted,

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